

**ATTACHMENT A**  
**STIPULATION OF FACTS**

*The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.*

The defendant, Kevin J. Gorbsky, born in 1986, was a Captain in the United States Army. From June 2015 through July 2016, Gorbsky was stationed in Kuwait. On July 9, 2015, Gorbsky created the Google account "Justin Smelder." In September 2015, while stationed in Kuwait, Gorbsky used his "Justin Smelder" account to send and receive several images of prepubescent minors engaged in sexually explicit activity.

Beginning in July 2016, Gorbsky was a resident of Bowie, Prince George's County, Maryland. Gorbsky was stationed in Anne Arundel County, Maryland, and was assigned to work at a secure U.S. Government facility.

On January 19, 2017, Gorbsky created the Google account "John Bbeez." On numerous occasions, Gorbsky accessed this account and engaged in sexually explicit chats using the unclassified computer systems at his workplace.

From on October 2015 through January 2018, Gorbsky used his "Justin Smelder" and "John Bbeez" accounts to engage in online chat with hundreds of other users, including from the unclassified computer systems at his workplace. Many of these other users identified themselves as minors between 12 and 17 years old. Gorbsky told many of the individuals he chatted with that he was 19 years old, when in fact he was between 28 and 31 years old. Gorbsky's chats with these users were sexually explicit. Gorbsky repeatedly requested that the other users send him pictures or engage in video chat, and the chat messages included exchanges of sexually explicit images and videos between Gorbsky and the other users. Gorbsky sent many of the users sexually explicit images of his erect penis and videos of himself masturbating.

**Gorbsky's Sexually Explicit Communications with Girl 1**

Between September 22, 2017, and continuing through January 3, 2018, Gorbsky engaged in sexually explicit communications with "Girl 1." Girl 1 was a 12 year old girl in Alabama. During these communications, Gorbsky persuaded, induced, enticed and coerced Girl 1 to send him sexually explicit images and to engage in sexually explicit video chat with him.

Girl 1 repeatedly told Gorbsky that she was 12 years old and in the seventh grade. Gorbsky told Girl 1 he was 19 years old, when he was in fact 30 or 31 years old. Gorbsky wrote to Girl 1 about her classes, schoolwork, and school bus schedule. Gorbsky made multiple comments about how young Girl 1 was. Gorbsky engaged in sexually explicit conversations with Girl 1 during times she stated she was in school. Gorbsky repeatedly asked Girl 1 for pictures during the course of sexually explicit conversations. Gorbsky engaged in video chat calls with Girl 1 during which Gorbsky and Girl 1 engaged in sexually explicit conduct. On October 26, 2017, Gorbsky emailed a video of himself masturbating to Girl 1.

### **Gorbsky's Sexually Explicit Communications with Girl 2**

Between October 5 and November 18, 2017, Gorbsky engaged in sexually explicit communications with "Girl 2." Girl 2 is believed to be a 13 year old girl in the United Kingdom, but has not yet been conclusively identified. During these communications, Gorbsky persuaded, induced, enticed and coerced Girl 2 to send him sexually explicit images and to engage in sexually explicit video chat with him.

Girl 2 told Gorbsky that she was 13 years old and commented to Gorbsky on numerous occasions that she was suicidal. Gorbsky told Girl 2 he was 19 years old, when he was in fact 30 years old. Gorbsky and Girl 2 repeatedly discussed her being in school. Gorbsky made multiple comments about how young Girl 2 was. Gorbsky repeatedly asked Girl 2 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations. Girl 2 sent Gorbsky sexually explicit pictures at his request. Gorbsky did not respond directly to Girl 2's statements about self-harm, and instead redirected the conversation back to sexually explicit matters.

### **Gorbsky's Sexually Explicit Communications with Girl 3**

Between October 5 and 26, 2017, Gorbsky engaged in sexually explicit communications with "Girl 3." Girl 3 is believed to be a 17 year old girl in the United States, but has not yet been conclusively identified. During these communications, Gorbsky persuaded, induced, enticed and coerced Girl 3 to send him sexually explicit images and videos, and to engage in sexually explicit video chat with him.

Girl 3 told Gorbsky that she was 17 years old. Gorbsky and Girl 3 repeatedly discussed her being in school. Gorbsky repeatedly asked Girl 3 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations. Girl 3 sent Gorbsky sexually explicit pictures and videos at his request.

### **Gorbsky's Sexually Explicit Communications with Girl 4**

Between October 17 and December 30, 2017, Gorbsky engaged in sexually explicit communications with "Girl 4." Girl 4 was a 17 year old girl in the state of Washington. Girl 4 was a special needs student who functioned at an approximate developmental age of 13 according to family members. Gorbsky was not specifically informed of Girl 4's developmental delays. During these communications, Gorbsky persuaded, induced, enticed and coerced Girl 4 to send him sexually explicit images and to engage in sexually explicit video chat with him.

Girl 4 told Gorbsky that she was 17 years old. Gorbsky told Girl 4 he was 19 years old, when he was in fact 30 or 31 years old. Gorbsky and Girl 4 repeatedly discussed her being in school and in an alternative educational program. Gorbsky repeatedly asked Girl 4 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations. On October 27 and November 15, 2017, Gorbsky emailed videos of himself masturbating to Girl 4. Girl 4 sent Gorbsky sexually explicit pictures at his request.

**Gorbsky's Sexually Explicit Communications with Girl 5**

Between November 3, 2017, and January 3, 2018, Gorbsky engaged in sexually explicit communications with "Girl 5." Girl 5 was a 15 year old girl in Virginia. During these communications, Gorbsky persuaded, induced, enticed and coerced Girl 5 to send him sexually explicit images and to engage in sexually explicit video chat with him.

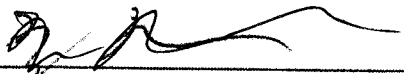
During their communications Girl 5 told Gorbsky that she was 15 years old. Gorbsky told Girl 5 he was 19 years old, when he was in fact 30 or 31 years old. Gorbsky made multiple comments about how young Girl 5 looked, her being in school, and her living with her parents. Gorbsky repeatedly asked Girl 5 for sexually explicit pictures and to engage in sexually explicit video chat calls during the course of sexually explicit conversations. Gorbsky engaged in video chat calls with Girl 5 during which Gorbsky and Girl 5 engaged in sexually explicit conduct. Girl 5 sent Gorbsky sexually explicit pictures at his request.


**Gorbsky's Sexually Explicit Communications with Other Minor Girls**


In addition, between August 22, 2017, and January 3, 2018, Gorbsky persuaded, induced, enticed and coerced at least eight other users who identified themselves as minor females to send him sexually explicit images and/or to engage in sexually explicit video chat with him. Five of these users have been identified as then-minor girls living in Pennsylvania, Connecticut, Arkansas, and California. These additional identified victims range in age from 14 to 17 years old at the time of the offenses.

One minor female advised Gorbsky she was raped when she was 4-years-old during their conversation. Gorbsky continued to communicate with the minor female and request sexually explicit images and to engage in sexually explicit video chat with him. Another minor female's father discovered her communications with Gorbsky and sent the message "This [victim's] dad. You are talking and trading sexual pics with a minor. She is 15. Your profile and email are being sent to police and other authorities to take action." Gorbsky continued to communicate with the minor female, including asking her to send him sexually explicit images and to engage in sexually explicit video chat with him.

SO STIPULATED:

  
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